

*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*

PAROLE BOARD

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DECISION

IN THE MATTER OF

RICHARD CROWELL

W28969

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **October 23, 2018**

DATE OF DECISION: **June 29, 2020**

PARTICIPATING BOARD MEMBERS: Paul Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe¹

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to the Farren Care Center with special conditions.

I. STATEMENT OF THE CASE

On June 13, 1962, in Suffolk Superior Court, Richard Crowell pleaded guilty to the second-degree murder of 52-year-old Harry Cohen and was sentenced to serve life in prison with the possibility of parole. He was also sentenced to serve a concurrent 15 to 20 year sentence for assault with intent to rob or murder, as well as a 3 to 5 year sentence for assault by means of a dangerous weapon. On December 31, 1974, Governor Francis W. Sargent commuted Mr. Crowell's life sentence to 36 years to life, thereby creating a parole eligibility date of December 23, 1975.

Mr. Crowell filed numerous appeals relating to his guilty plea for the murder of Harry Cohen. On August 6, 1962, Mr. Crowell filed a motion to withdraw the plea, but the judge denied

¹ Board Members Treseler and Soto-Abbe were no longer Board Members at the time of the vote. Board Members Gloriann Moroney and Karen McCarthy were not Board Members at the time of the hearing, and therefore, abstained from voting.

the motion on July 1, 1963. The Supreme Judicial Court dismissed Mr. Crowell's appeal of the motion judge's denial. *Commonwealth v. Crowell*, 347 Mass. 771 (1964). On March 3, 1967, Mr. Crowell filed a petition for habeas corpus, which was dismissed. *Crowell v. Commonwealth*, 352 Mass. 288 (1967). On August 7, 2001, Mr. Crowell filed another motion to withdraw his guilty plea, which was denied. On March 16, 2011, the Appeals Court affirmed the denial. *Commonwealth v. Crowell*, 79 Mass. App. Ct. 1103, *rev. denied*, 460 Mass. 1102 (2011).

On the evening of January 1, 1962, Robert Rose, Richard Crowell (age 19), Roy Blampye, and William Hayes were drinking together at the Melody Lounge in Boston. After they left the bar, the men stole a nearby car. Mr. Crowell drove and, at approximately 9:15 p.m., they arrived at a pharmacy in Jamaica Plain. Mr. Crowell stayed at the wheel of the car as the getaway driver, while Mr. Hayes stood on the sidewalk as a look out. Mr. Blampye and Mr. Rose entered the pharmacy, where the owner, Harry Cohen, was alone in the store. Mr. Blampye, who was holding a .38 caliber revolver, announced to Mr. Cohen, "This is a holdup. Give the money to [Mr. Rose]." Mr. Cohen resisted, and a brief struggle ensued. Mr. Blampye then shot Mr. Cohen several times in the neck. Mr. Cohen staggered from the store and collapsed on the sidewalk outside the pharmacy. Mr. Blampye, Mr. Rose, and Mr. Hayes returned to the car, and Mr. Crowell drove them away. Although Mr. Crowell did not enter the pharmacy, he had knowledge that his accomplices had a gun that they intended to use in the hold up.

II. PAROLE HEARING ON OCTOBER 23, 2018

Richard Crowell, now 76-years-old, appeared before the Parole Board for a review hearing on October 23, 2018. He was represented by Attorney Rebecca Rose and law student Regina Powers. Mr. Crowell was paroled in November 1975, following Governor Sargent's commutation of his life sentence. On July 23, 1982, however, a parole warrant was issued. Mr. Crowell was returned to custody based on a restraining order entered against him, an assault and battery charge, and a default warrant from the Roxbury District Court relating to charges for operating under the influence and operating to endanger lives and safety. The parole warrant was withdrawn, and Mr. Crowell was released on parole on July 27, 1982. The referenced criminal charges were continued without a finding by the Boston Municipal Court.

Mr. Crowell remained on parole until September 28, 1989, when he was arrested by Boston police and returned to custody for assault and battery and assault and battery on a police officer. In January 1990, following a final revocation hearing, Mr. Crowell was re-paroled with conditions that included the completion of an alcohol rehabilitation program. In April 1990, while at the Salvation Army, Mr. Crowell went whereabouts unknown, and his parole was revoked. In September 1990, after a final revocation hearing, Mr. Crowell was re-paroled with conditions that included the completion of an alcohol rehabilitation program and participation in mandatory AA. On October 10, 1990, his parole officer received a call from the Boston Police Department informing him that Mr. Crowell was drinking, perhaps using drugs, and had threatened to kill a Boston police officer. Mr. Crowell's parole was revoked; he was then denied parole after review hearings in 1991, 1994, and 1997. He was re-paroled in November 2003, but was returned to custody in December 2003, after failing to complete a program. His parole was again revoked. Mr. Crowell was subsequently denied parole after his review hearings in 2007 and 2012.

When speaking to the Board about the facts surrounding the governing offense, Mr. Crowell acknowledged his role as the driver. Mr. Crowell explained that he was a "kid" when he

was incarcerated and that prison was very different than it is now. The Board noted a Neuropsychological Evaluation Report regarding Mr. Crowell's brain injury, which indicated that his ability to comprehend, retain information, and respond appropriately (including other brain functioning, as well) has been impacted. Mr. Crowell stated that having a brain injury is like being in "total confusion." Mr. Crowell agreed that his previous parole violations, prior to his brain injury, were due to an "adjustment" in drinking alcohol and in engaging in certain relationships. He learned from his past parole supervision that he can't drink and acknowledged that he has been back in prison for 15 years (at the time of this hearing).

Mr. Crowell told the Board that he hasn't consumed alcohol in 27 years. He admitted that he has been offered drugs and alcohol in prison, but stated that he has denied the offers because he knows what it does to him. When the Board asked him to explain what makes him angry, he responded, "Stupid[ity] on my part." Mr. Crowell added that he gets frustrated when he can't get the answers he needs. The Board noted that the two subject areas that get him "enthusiastic" are his family and parole. When speaking about his family, Mr. Crowell explained that he lets them live their life and doesn't want to burden them. Mr. Crowell has completed programming in the past, and is currently attending AA/NA. The Board noted that he hasn't had any "incidents" since 2015. Mr. Crowell's parole plan incorporates a residential program that deals with brain injuries. If paroled, the Board expressed concern that Mr. Crowell be placed in an appropriate facility that understands his brain injury, so that he is not misinterpreted. The Board indicated that regardless of Mr. Crowell's possible residential placement, he is not to be a risk to public safety. Mr. Crowell told the Board that he is asking for help and will not let them "down."

There was no testimony during this hearing. Suffolk County Assistant District Attorney Charles Bartoloni submitted a letter in opposition to parole.

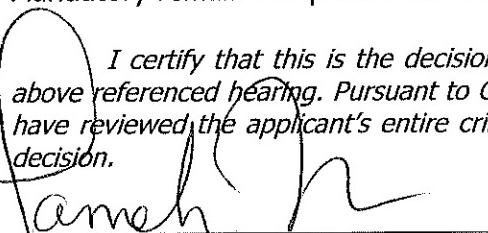
III. DECISION

Mr. Crowell is 76-years-old and has been back in custody for approximately 17 years. He has a long documented history of a traumatic brain injury and alcohol dependency. The Board is of the opinion that Mr. Crowell has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. His suitability for parole supervision is contingent on his placement at the Farren Care Center, [where] the staff will be able to meet his medical and mental health needs. He has demonstrated that he can be successful in a structured environment. He understands that he needs to remain compliant with his medical/mental health plan that has allowed him to achieve stability.

The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Crowell's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Crowell's risk of recidivism. After applying this appropriately high standard to the circumstances of his case, the Board is of the opinion that Richard Crowell merits parole at this time. Parole is granted to the Farren Care Center with special conditions.

SPECIAL CONDITIONS: Waive work for Farren Care Center; ELMO-electronic monitoring at PO discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; Residential Program - Farren Care Center; Mandatory remain compliant with medical and mental health case plan.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. Pursuant to G.L. c. 127, § 130, I further certify that all voting Board Members have reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.


Pamela Murphy, General Counsel

6/29/2020
Date